

REMARKS

The Office Action of July 29, 2003, has been carefully considered.

It is noted that claim 21 is rejected under 35 U.S.C. §112, first and second paragraphs.

Claims 8, 10, 18 and 20 are rejected under 35 U.S.C. §103(a) over Yoshikawa in view of the patent to Hein.

Claims 11, 12 and 15 are rejected under 35 U.S.C. §103(a) over Yoshikawa in view of Hein and further in view of the patent to Lane.

Claims 9, 12-17 and 19 are rejected under 35 U.S.C. §103(a) over Yoshikawa in view of Hein and further in view of the patent to Loiodice.

In view of the Examiner's rejections of the claims, Applicant has amended claims 8 and 21.

It is respectfully submitted that claim 21 presently on file particularly points out and distinctly claims the subject matter which Applicant regards as the invention. Applicant has amended claim 21 to recite that the guides are arranged in the corner of a rectangle as correctly pointed out by the Examiner. Concerning the loading of the weight of the engine, Applicant has amended the claim to more clearly recite that the weight is loaded symmetrically between the guides.

In view of these considerations, it is respectfully submitted that the rejection of claim 21 under 35 U.S.C. §112, second paragraph, is overcome and should be withdrawn.

Concerning the rejection of claim 21 under 35 U.S.C. §112, first paragraph, Applicant respectfully submits that one skilled in the art would clearly see from Figures 2-4 and 7 that the engine is arranged so that its weight is symmetrically loaded on the guides.

In view of these considerations, it is respectfully submitted that the rejection of claim 21 under 35 U.S.C. §112, first paragraph, is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file specifically define a cable elevator having first parallel guides arranged in a first vertical plane and second parallel guides separate from the first parallel guides and arranged in a second vertical plane parallel to and spaced from the first vertical plane. The first and second guides are discontinuously connected in the vertical and horizontal directions of the guides. The cage is movably arranged on the first guides, the counter weight movably arranged on the second guides, the engine mount fastened to the first guides and to the second guides, and the drive engine arranged on the engine mount so that a weight force of the drive, the cage and the counterweight is conducted to a floor of the elevator shaft exclusively via the two pairs of guides.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the Japanese reference to Yoshikawa, it can be seen that this reference discloses an elevator construction in which there are two guide rails 15 each with two flange parts 15c, 15d, that form guides for the counterweight and the cage. The flange parts 15c, 15d of each guide rail are connected together in a continuous manner at the base of each flange for the entire longitudinal, vertical extension of the guide rails. Yoshikawa does not disclose first and second guides that are discontinuously connected in the vertical and horizontal directions of the guides, as in the presently claimed invention.

The patent to Hein discloses a traction drive elevator which clearly teaches an additional fixation of the rails to the shaft walls by means of mounting brackets (see column 2, lines 31-38 of Hein). The Examiner combined these references in determining that claims 8, 10, 18 and 20 would be unpatentable over such a combination. Applicant respectfully submits that the combination of references does not teach the invention as presently recited in the claims. Hein clearly teaches that the rails are additionally fixed to the shaft walls. This is counter to the objective of the present invention in which the vertical weight force of the drive, the cage and the counterweight is conducted to the shaft for exclusively by way of the two guide rail pairs (see page 2, first paragraph of the specification of the present application). Furthermore, Hein refers to a traction elevator using U-shaped rails which can be from one or two pieces (see column 2, lines 45-50). The Examiner refers to the two-piece solution where the rails are connected by a bracket 34. This bracket has no substantial elongation and connects two juxtaposed rails. Thus, the teachings of Hein are quite similar to JP Utility Model 50297/1992 which is discussed in the specification of the present application. Specifically, due to the short distance of Hein's bracket 34, the construction is not suitable for larger elevators and needs additional fixations of the rails to the shaft walls by means of the mounting brackets 18, the same as in JP Utility model 50297/1992.

Therefore, it is respectfully submitted that the references do not teach the features contained in claim 8 presently on file. Therefore, it is respectfully submitted that the rejection of claims 8, 10, 18 and 20 under 35 U.S.C. §103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

As for the remaining references which were cited against various of the dependent claims in combination with the previously-discussed references, these have also been considered. Since

they do not come closer to the currently claimed subject matter than the references discussed above, it is believed that any detailed comments thereon at this time would be superfluous. Thus, it is respectfully submitted that the various rejections of the dependent claims under 35 U.S.C. §103(a) are also overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 24, 2003

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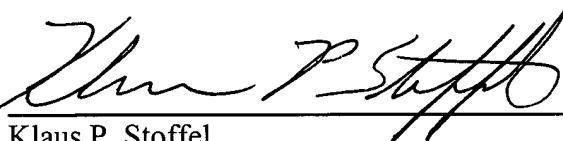
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October 24, 2003

Date of Signature

Respectfully submitted,



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